

Attorney Docket No.: C4312(C)
Serial No.: 10/559,962
Filed: February 8, 2007
Confirmation No.: 1462

REMARKS

Reconsideration of the application is respectfully requested.

Applicants confirm the election without traverse of claims 1-16.

Claims 1-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over WO 02/072747 in view of Gardlik (US 6,147,037). Claims 1-7, 9-14, and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/52124 Gardlik. Claims 1-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over WO 98/39406 in view of Gardlik.

Applicants respectfully traverse the rejections. Neither WO 02/072747 (Unilever), WO 00/52124 (Procter and Gamble) nor WO 98/39406 (Procter and Gamble) teach or suggest that terpene perfumes are detrimental to the activity of a composition comprising a transition metal catalyst that is substantially absent of a peroxygen bleach.

The present invention is based at least in part on the discovery that there is a significant reduction in transition metal catalyst activity when formulated with terpene perfumes without an antioxidant. This is demonstrated in the examples of the specification. The reduction in activity is demonstrated to be caused by terpene perfumes. Furthermore, the reduction in activity is shown to be ameliorated by the presence of an antioxidant. The present invention permits the use perfume notes that would otherwise not be available for such a formulation.

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The Examiner states that there is a terpene perfume disclosed by Gardlik and that this would be then incorporated in WO 02/072747 (Unilever), WO 00/52124 (Procter and Gamble) or WO 98/39406 (Procter and Gamble). Applicants respectfully disagree. The terpenes disclosed in US 6,147,037 (Gardlik) are not perfume components per se but are pro fragrances. Examples of terpenes that are releasable by the pro-accords of the fragrance delivery systems are listed in column 11, lines 12 to 23. These are the result of the pro-accord acting on a substrate to release the perfume component. There is no disclosure of a terpene per se in a formulation but a pro-accord which is not a perfume. Furthermore, perfume compositions are complex mixtures and the disclosure of a terpene perfume does not disclose between 0.001 to 3 wt/wt% a perfume composition in the formulation of which at least 0.01 wt % is a terpene perfume.

The concept of using a perfume composition having at least 0.001 wt % of a terpene perfume is not a standard perfume composition. A perfume composition is complex and there are a multitude of notes that may be selected to make the perfume composition. These notes come from many different chemical functionalities. Applicants enclose for the Examiner's interest a copy of an article by Robert J. Steltenkamp from Journal of the American Oil Chemists' Society Volume 45, Number 6 / June, 1968 page 429 to 432. This article also discusses the complexity of perfume compositions.

The Abstract of the article teaches that:

Detergents constitute a low-price, bulk item, which consumes a large quantity of aromatic materials. Detergent perfumes must not only meet the normal requirements of odor and stability but also strict demands in low price and high availability.

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The perfumes used in detergents are normally a complex mixture consisting of synthetic materials produced from either petroleum or coal tar products, isolates of natural products or synthetics derived from isolates and natural products such as the essential oils.

The synthetics and isolates which are commonly used in detergent perfumery are discussed with their methods of production. The essential oils that can meet the demands of price and availability are listed.

One of ordinary skill in the art, who has not had the benefit of hindsight afforded by the present disclosure, would not have been led by the combined teachings of WO '747, WO '124 or WO '406 with Gardlik to arrive at the present invention. The combination of any one of the primary references used by the Examiner would not have yielded the inventive composition because Gardlik simply does not appear to disclose incorporating a perfume composition--merely pro-accord.

In light of the above remarks, it is respectfully requested that the obviousness rejection be reconsidered and withdrawn.

If a telephone conversation would be of assistance in advancing the prosecution of the present application, applicants' undersigned attorney invites the Examiner to telephone at the number provided.

Respectfully submitted,



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